

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

<b>WILLIAM CLEARY et al.,</b>	§	
	§	
<b>Plaintiffs,</b>	§	
	§	
<b>v.</b>	§	<b>Civil Action No. 4:21-cv-00184-O</b>
	§	
<b>AMERICAN AIRLINES. INC.,</b>	§	
	§	
<b>Defendant.</b>	§	

**ORDER**

Before the Court are Defendant’s Motion for Leave to File Two Motions for Summary Judgment (ECF Nos. 72–73), filed October 1, 2021; Plaintiffs’ Opposition to Defendant’s Motion (ECF No. 79), filed October 8, 2021; Defendant’s Reply to Plaintiffs’ Opposition to Defendant’s Motion (ECF No. 82), filed October 19, 2021; Magistrate Judge Ray’s Order (ECF No. 89), filed October 26, 2021; Defendant’s Objection to Magistrate Judge Order (ECF Nos. 100-01), filed November 5, 2021; Plaintiff’s Response to Defendant’s Objection (ECF No. 114), filed November 15, 2021; and Defendant’s Reply in Support of Its Objection (ECF No. 117), filed November 18, 2021. For the reasons stated below, the Court finds Defendant’s Motion for Leave to File Two Motions for Summary Judgment (ECF Nos. 72–73) is **DENIED**. Further, for the reasons stated below, the Court finds the Defendant’s Objection to Magistrate Judge Order (ECF Nos. 100–01) are **OVERRULED**.

**I. Motion of Leave to File Two Motions for Summary Judgment**

Defendant requests leave to file two motions for summary judgment. Rule 56 provides that “[u]nless otherwise directed by the presiding judge, or permitted by law, a party may file no more than one motion for summary judgment.” Fed. R. Civ. P. 56.2(b). This Court has discretion to

allow for leave if Defendant's show good cause to do so. *See Moore v. City of Rowlett*, No. 3:10-cv-73-F, 2011 WL 13232698, at \*1 (N.D. Tex. Jan. 13, 2011). Defendant seeks this relief in order to "resolve ongoing and costly discovery disputes." Mot. 6, ECF No. 72. The Court is unpersuaded by this reasoning as the discovery disputes are being resolved by this Order. Therefore, this motion is **DENIED**.

## **II. Objection to Magistrate Judge Order**

Magistrate Judge Hal Ray entered an Order granting Plaintiffs' Third Motion to Compel on October 26, 2021. Pursuant to Rule 72(a) of the Federal Rules of Civil Procedure, Defendant filed a timely objection. Under Rule 72, the Court can "modify or set aside any part of the order that is clearly erroneous or is contrary to law." Fed. R. Civ. P. 72(a). Legal conclusions are reviewed de novo and the Court "reverses if the magistrate judge erred in some respect in [his] legal conclusions." *Arters v. Univision Radio Broad. TX, L.P.*, No. 3:07-cv-0957-D, 2009 WL 1313285, at \*2 (N.D. Tex. May 12, 2009) (alteration in original) (internal quotation marks omitted).

Defendant relies on its argument that "[t]he current discovery dispute turns on a legal question regarding the scope of the Email Confirmation Class and the Credit Card Class that this Court previously certified." Objection 1, ECF No. 100. It contends Magistrate Judge Ray erred because these requests call for the production of information not covered by the class. Defendant explains that permitting discovery of this information could not be relevant because these class members do not adequately represent those who may be affected by the requested information.

The Court finds Defendant's objection appears to be an attempt to redefine or further clarify the certified classes. However, an objection to discovery is not the proper vehicle to do so. Defendant did not move to reconsider class certification under Rule 23(f) or object through any

other proper avenue. Accordingly, this is not the proper forum to resolve issues regarding class certification. Magistrate Judge Ray correctly analyzed the class certification order, determined that the requests Plaintiffs made were relevant and proportional to it, and overruled Defendant's objection. The Court therefore **OVERRULES** the objection.

### **III. Conclusion**

For the reasons stated above, Defendant's Motion for Leave to File Two Motions for Summary Judgment (ECF Nos. 72–73) is **DENIED**, Defendant's Objection to Magistrate Judge Order (ECF Nos. 100–01) is **OVERRULED**, and Defendant **SHALL** produce materials responsive to Requests Nos. 1, 2, and 8 in Plaintiffs' third set of production requests on or before **December 1, 2021**.

**SO ORDERED** on this **24th day of November, 2021**.

  
Reed O'Connor  
UNITED STATES DISTRICT JUDGE